

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

<b>UCHE P. MORDI,</b>	)	
	)	
<b>Petitioner/Defendant,</b>	)	
	)	
<b>vs.</b>	)	<b>CIVIL NO. 10-828-GPM</b>
	)	
<b>UNITED STATES OF AMERICA,</b>	)	<b>CRIMINAL NO. 09-40026-GPM</b>
	)	
<b>Respondent/Plaintiff.</b>	)	

**MEMORANDUM AND ORDER**

**MURPHY, District Judge:**

Petitioner/Defendant Uche P. Mordi, a prisoner in the custody of the Federal Bureau of Prisons who currently is confined at the Federal Correctional Institution Low in Allenwood, Pennsylvania, brings this action to vacate, set aside, or correct his federal sentence pursuant 28 U.S.C. § 2255. Currently this matter is before the Court on preliminary review of Mordi's Section 2255 petition. *See* Rules Governing § 2254 Cases, Rule 1(b), Rule 4, 28 U.S.C. foll. § 2254. Mordi pleaded guilty, with the benefit of a written plea agreement, to possession of fifty grams or more of crack cocaine with intent to distribute it, in violation of 21 U.S.C. § 841(a)(1) and (b)(1)(A)(iii). On October 19, 2009, Mordi was sentenced to a total of 120 months' imprisonment, followed by five years of supervised release. It appears from Mordi's Section 2255 petition that, upon completion of his federal sentence, Mordi will be deported by United States Immigration and Customs Enforcement to his native Nigeria. It further appears from the petition that, upon Mordi's return to Nigeria, he will be imprisoned in Nigeria for at least five years, together with an unknown period of pretrial detention, pursuant to decrees of the Nigerian National Drug Law

Enforcement Agency. In his Section 2255 petition, which is brought pro se, Mordi contends that, notwithstanding a provision of his plea agreement waiving the right to pursue post-conviction remedies for his federal sentence, he is not in violation of the plea agreement in bringing this action. Mordi asserts also that, in the course of the federal criminal proceedings against him, he received ineffective assistance from his Court-appointed counsel, in violation of the Sixth Amendment, because he pleaded guilty to the federal charge against him without having been informed that, following the completion of his federal sentence, he would face at least five years' imprisonment in a Nigerian prison. Finally, Mordi claims that his federal sentence violates the Sixth Amendment prohibition against double jeopardy because he faces at least five years' imprisonment in Nigeria for the offense for which he currently is imprisoned in the United States.

The Court **ORDERS** Respondent/Plaintiff United States of America to file a response to Mordi's petition to vacate, set aside, or correct his federal sentence within **THIRTY (30) DAYS** of the date of entry of this Order. The government shall, as part of its response, attach all relevant portions of the record.

**IT IS SO ORDERED.**

DATED: December 20, 2010

/s/ G. Patrick Murphy  
G. PATRICK MURPHY  
United States District Judge